

INELIGIBLE VOLUNTEER RECORD SHEET
REGISTRATION SERVICE
BOY SCOUTS OF AMERICA

Council No. 49 Date 8/9/90

Full name Jerry B. Frazier
(no initials if you can possibly get full name)

Social Security Number [REDACTED]

Address [REDACTED] El Cajon, CA 92020

City _____ State _____ ZIP Code _____

Date of Birth 6/25/68 (This is important and should be exact.)

Approximate age _____ (To be used ONLY when date of birth is not known.)

Religion _____ Nationality _____

Occupation _____ Education _____

Weight _____ Height _____ Race _____

Color of hair _____ Color of eyes _____

Outstanding characteristics or interests _____

Married or single _____ Children _____
(Number, ages, and names, if possible)

Spouse's name _____

Scouting connections: _____ Chartered organization: _____

Unit No. P 301 # 157935 City _____ State _____

Position Den Leader Date registered _____ Date resigned _____

Special recognition: _____

Suspended or denied registration for following reasons: convicted child abuser

SPECIFY THE FACTS THAT LEAD YOU TO RECOMMEND DENIAL OF REGISTRATION, INCLUDING HOW THE INFORMATION CAME TO THE COUNCIL'S ATTENTION, AND LIST ATTACHED SUPPORTING DOCUMENTS (STATE ONLY KNOWN FACTS, NOT RUMOR, CONJECTURE, OR SPECULATION):

NOTED

AUG 23 1990

JOSEPH L. ANGLIM

CONFIDENTIAL

AUG 15 1990

F. STARON

Signed

Ronald B. [Signature]
SCOUT EXECUTIVE

Council

San Diego County Council, BSA

CONF005887

MICHAEL M. EDWARDS
DANIEL M. WHITE
ROD R. SOOY
JES R. BONGARD
THOMAS W. BYRON
ROBERT DON ZIRNGIBL
GLEN M. RASMUSSEN
KAREN A. HOLMES
A. JASON KERCKHOFF
JOHN A. SIMPSON
WILLIAM P. HARRIS, III
JOHN D. MARINO
STEPHEN A. GENTES
MARC D. CLEAVINGER
CAROLE C. VAN DYKE
JEFFREY M. GARBER

LISA G. SHEMONSKY
JOHN H. WALLER
ROBYN S. MCCLAIN
DAVID WILLIAM SMITH
PAUL I. DELMORE
EULALIO I. GARCIA
THOMAS I. GRISHAM
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STEVEN I. SERRATORE
PETER M. HUGHES
WILLIAM L. PETTINGILL
MICHAEL I. ORZEL
JENNIFER I. GNYS
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INLAND EMPIRE OFFICE
P.O. Box 1480
RIVERSIDE, CA 92502
(714) 276-0100
CRAIG MARKEY
ADMINISTRATOR

November 6, 1991

*F&A
Deposition*

Mr. Paul Ernst
Boy Scouts of America
1325 Walnut Hill Lane
P.O. Box 152079
Irving, Texas 75015-2079

Re: Bryan W., et al. v. Boy Scouts of America, et al.
Client: San Diego County Council, Boy Scouts of
America and Boy Scouts of America,
National Council
Claim No.: 0835-340-073963-A
EWS File No.: BSA10/2516

Dear Mr. Ernst:

Enclosed herewith please find a self-explanatory letter recently received from plaintiff's counsel in connection with the above-referenced matter regarding your deposition scheduled at our office for Thursday, November 21, 1991 at 8:00 a.m. If there are any particular airlines, dates, or other travel arrangements that you would like, please let me know as soon as possible; otherwise, plaintiff's counsel will be scheduling same.

Should you have any questions or comments regarding the enclosed, please do not hesitate to contact me.

Very truly yours,

EDWARDS, WHITE & SOOY

Karen A Holmes

Karen Anderson Holmes

CONF005888

EDWARDS, WHITE & SOOY
A PROFESSIONAL CORPORATION

Mr. Paul Ernst
November 6, 1991

KAH:kam

Enclosure

cc: [REDACTED] w/encl.

William Rees, Esq. w/encl.

Frank Lane, Esq. w/encl.

Richard Shaw, Esq. w/encl.

Stan Juliano/ESIS w/encl.

Ron Brundage/BSA, San Diego Council w/encl.

Rebecca W. Reynolds, File No. ATL-11073 w/encl.

Law Office of
H. WILLIAM COLLINS
ATTORNEY AT LAW

3530 CAMINO DEL RIO NORTH
SUITE 202
SAN DIEGO, CALIFORNIA 92108
(619) 281-3500

PRACTICE LIMITED TO
PERSONAL INJURY, INSURANCE LITIGATION
AND DISABILITY CLAIMS

November 5, 1991

Ms. Karen Holmes
EDWARDS, WHITE & SOOY
1615 Murray Canyon Road, 10th Floor
San Diego, CA 92108

Re: v. Boy Scouts of America, et al.
Superior Court Case No.: 626907

Dear Ms. Holmes:

This will serve to confirm our agreement concerning the taking of the deposition of Paul Ernst.


As an alternative to having counsel for both parties travel to Texas to take Mr. Ernst's deposition, BSA has agreed to produce Mr. Ernst for deposition here in San Diego. We in turn have agreed to pay for Mr. Ernst's round trip air fare, two nights hotel accommodations and one day car rental here in San Diego. We will take care of the travel arrangements which will have Mr. Ernst arriving on the afternoon of the 20th and departing on the morning of the 22nd.

We have advised you that in order to complete the deposition in one day, that I would like to start early (8:00 A.M.) and I am prepared to continue on into the evening, as late as necessary to complete the deposition, and if necessary, to reconvene the following morning.

We have also advised you that it is our intent to videotape this deposition.

Enclosed is a Notice of Deposition in conformance with the above.

Very truly yours,



H. WILLIAM COLLINS

HWC/jc
Enclosure

CONF005890

Law Office of
H. WILLIAM COLLINS
 ATTORNEY AT LAW
 3530 CAMINO DEL RIO NORTH
 SUITE 202
 SAN DIEGO CALIFORNIA 92108
 (619) 281-1500

STATE BAR #: 081715

Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 IN AND FOR THE COUNTY OF SAN DIEGO

██████████ et al.,

Plaintiff,

v.

BOY SCOUTS OF AMERICA, et al.,

Defendants.

CASE NO. 626907

NOTICE OF TAKING
 DEPOSITION; REQUEST
 TO PRODUCE DOCUMENTS
 AT DEPOSITION; AND
 NOTICE THAT THE DEPO-
 SITION WILL BE VIDEO-
 TAPED AND THAT PLAINTIFF
 RESERVES THE RIGHT TO
 USE AT TRIAL SAID VIDEO-
 TAPED DEPOSITION

TO: Defendants, BOY SCOUTS OF AMERICA, et al., and to their
 attorneys of record, Edwards, White & Sooy, by Karen
 Holmes:

NOTICE IS HEREBY GIVEN that plaintiff, BRYAN W., by and
 through his attorney of record, H. William Collins, will take
 the oral deposition of Paul I. Ernst, on Thursday, November 21,
 1991, at 3:00 A.M. in the offices of Edwards, White & Sooy,
 located at 1615 Murray Canyon Road, 10th Floor, San Diego,
 California, before a duly certified shorthand reporter in and
 for the County of San Diego, said deposition to continue from
 day to day, Sundays and holidays excluded, until completed.

NOTICE IS FURTHER GIVEN that defendants and Mr. Ernst are

1
2 further directed to bring with them to said deposition, each of
3 the following described documents or things:

4 All records, written or on computer or otherwise, of all
5 "sexual molestations" committed by volunteer scout leaders and
6 paid scout executives (i.e., all information and records known
7 as "confidential files" also known as the "Ineligible Volunteer
8 Files", also known as "Confidential Record Sheets", also known
9 as "Ineligible Volunteer Record Sheets" or by whatever title
10 this information and these records exist) which are in
11 existence and within the custody or control of either
12 defendant, and where the conduct occurred during the period
13 from 1/1/70 to present.

14 NOTICE IS FURTHER GIVEN, that plaintiff intends to
15 videotape Mr. Ernst's deposition and reserves the right to use
16 at trial said videotaped deposition.

17
18 Dated: November 5, 1991

19
20 H. WILLIAM COLLINS
Attorney for Plaintiff

1
2 PROOF OF SERVICE

3
4 CASE NAME: v. BOY SCOUTS OF AMERICA, et al.

5 CASE NUMBER: 626907

6 I am employed in the County of San Diego, State of California,
7 I am over the age of eighteen years and am not a party to the
8 within entitled action; my business address is 3530 Camino del
Rio North, Suite 202, San Diego, California, 92108.

9 On November 5, 1991 I served the foregoing document(s)

10 described as NOTICE OF TAKING DEPOSITION; REQUEST TO PRODUCE
11 DOCUMENTS AT DEPOSITION; AND NOTICE THAT THE DEPOSITION WILL BE
VIDEOTAPED AND THAT PLAINTIFF RESERVES THE RIGHT TO USE AT
12 TRIAL SAID VIDEOTAPED DEPOSITION

13 on concerned parties in this action by placing a true copy
14 thereof enclosed in a sealed envelope addressed to the
following:

15 Ms. Karen Holmes
16 EDWARDS, WHITE & SOOY
17 1615 Murray Canyon Road, 10th Floor
San Diego, CA 92108

18 BY MAIL: I caused such envelope(s) with postage thereon
19 fully prepaid to be placed in the United States mail at San
Diego, California. Executed on at San
Diego, California.

20 X BY PERSONAL SERVICE: I caused such envelope to be
21 delivered by hand to the offices of the addressee. Executed on
22 November 5, 1991 at San Diego, California.

23 X STATE: I declare under penalty of perjury under the laws
of the State of California that the above is true and correct.

24 FEDERAL: I declare that I am employed in this office of
25 a member of the bar of this Court at whose direction the
service was made.

26 *Jeanne Collins*
27
28

H. WILLIAM COLLINS
ATTORNEY AT LAW

LAW OFFICES

WICKER, SMITH, TUTAN, O'HARA
McCoy, GRAHAM & LANE, P.A.

MIAMI OFFICE
5TH FLOOR GROVE PLAZA
2900 MIDDLE STREET
(S.W. 28TH TERRACE)
MIAMI, FLORIDA 33133
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FIRST FLORIDA BANK TOWER
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111 NORTH ORANGE AVENUE
ORLANDO, FLORIDA 32802
(407) 843-3939
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WEST PALM BEACH OFFICE
P.O. BOX 2508
UNITED NAT'L BANK TOWER - SUITE 700
1645 PALM BEACH LAKES BOULEVARD
WEST PALM BEACH, FLORIDA 33402
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FORT LAUDERDALE OFFICE
P.O. BOX 14460
BARNETT BANK PLAZA - 5TH FLOOR
ONE EAST BROWARD BOULEVARD
FORT LAUDERDALE, FLORIDA 33302
(305) 467-6405
TELECOPIER (305) 760-9353

October 25, 1991

Paul Ernst
Director of Registration and
Subscription Division
Boy Scouts of America
Post Office Box 152079
Irving, TX 75015-2079

Re: [REDACTED] v. Boy Scouts of America, et al.
Our File: 30158-2

Dear Paul:

With regard to the [REDACTED] matter, we recently received a Request for Production of Documents which includes a request that would fall within your area of records/information. I have enclosed the specific page and would draw your attention to paragraph #30. Please provide your response to Karen Holmes in the next few days inasmuch as the response is due in early November.

You may note that questions 31 and 32 are similar in nature. However, Ms. Holmes has already obtained the requested information as to #31 and Debra Griffith is providing the answer as to #32. Thank you for your assistance.

Very truly yours,

Richards H. Ford
Richards H. Ford

RHF:cdh
Enclosure

cc: William S. Reese
Debra Griffith
Karen Holmes
Frank A. Lane

*TALKED TO DEBRA GRIFFITH
11-1-91 3:45 PM - SHE W. L.
REFL TO 330 PS 10070
[Signature]*

CONF005894

1
2 27. For the year 1989, state the total number of dues
3 paying scouts in the BOY SCOUTS OF AMERICA, NATIONAL COUNCIL.

4 28. For the year 1989, state the total number of dues
5 paying sponsors in the BOY SCOUTS OF AMERICA, NATIONAL COUNCIL.

6 29. For the year 1989, state the total number of dues
7 paying adult volunteers in the BOY SCOUTS OF AMERICA, NATIONAL
8 COUNCIL.

9 30. For the year 1989, state the percentage of the total
10 dues collected by the BOY SCOUTS OF AMERICA, SAN DIEGO AREA
11 COUNCIL from scouts, that was sent, i.e., provided to, i.e.,
12 turned over to the BOY SCOUTS OF AMERICA, NATIONAL COUNCIL.

13 31. For the year 1989, state the percentage of the total
14 dues collected by the BOY SCOUTS OF AMERICA, SAN DIEGO AREA
15 COUNCIL from sponsors, that was sent to, i.e., provided to, i.e.,
16 turned over to the BOY SCOUTS OF AMERICA, NATIONAL COUNCIL.

17 32. For the year 1989, state the percentage of the total
18 dues collected by the BOY SCOUTS OF AMERICA, SAN DIEGO AREA
19 COUNCIL from adult volunteers, that was sent to, i.e., provided
20 to, i.e., turned over to the BOY SCOUTS OF AMERICA, NATIONAL
21 COUNCIL.

22 33. State the date on which the form of the adult
23 application which was completed by JERRY FRAZIER, in April, 1989,
24 first came into use within the BOY SCOUTS OF AMERICA, SAN DIEGO
25 AREA COUNCIL.

26 34. State the date on which the form for the Chartering
27 Agreement (a blank one of which was produced by Reverend Riddle
28 at his deposition in this action and which he testified was given

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GLEN M. RAUMUSSEN
KAREN A. HOLMES
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JOHN A. SIMPSON
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JOHN D. MARINO
STEPHAN A. GENTES
MARC D. CLEAVINGER
CAROL C. VAN DYKE
JEFFREY M. GARBER

LISA C. SHERMONSKY
JOHN M. WALLER
ADRYN L. MCCLAIN
DAVID WILLIAM SMITH
PAUL J. DELMORE
SULAUO J. GARCIA
THOMAS J. CRISHAM
DAVID J. LIDL
STEVEN J. HERRINGTON
MITA M. HUGHES
WILLIAM L. JEFFTINGILL
MICHAEL J. GAZEL
JENNIFER J. GHTS
ROBERT J. TYSON, JR.
ELAINE L. JOONEY

October 22, 1991

Ms. Debra Duhs Griffith
Director of Insurance and
Risk Management
Boy Scouts of America
1325 Walnut Hill Lane
P.O. Box 152079
Irving, Texas 75015-2079

via Facsimile

Re: [REDACTED] v. Boy Scouts of America, et al.
Client: San Diego County Council, Boy Scouts of
America and Boy Scouts of America,
National Council
Claim No.: 0835-340-073963-A
EWS File No.: BSA10/2516

Dear Ms. Griffith:

Plaintiff's counsel has indicated to me that he wishes to take the depositions of Julian Dyke, Paul Ernst, and Mr. Anglum in connection with the above-referenced matter. He has asked that we provide him with available dates for each of these individuals in mid to end of November 1991.

I mentioned this to Bill Reese on Friday and he indicated that we should vehemently oppose the deposition of Mr. Anglum. I would appreciate what information you may have with regard to Mr. Anglum's position and his knowledge, if any, which would be relevant to the issues involved in the [REDACTED] case. In addition, please provide me with the availability for these individuals' depositions. I have requested plaintiff's counsel clarify why these depositions are requested.

C:\MS\CA\H\DR\0005446.W7/D1

EDWARDS, WHITE & SOOY
A PROFESSIONAL CORPORATION

Ms. Deborah Duhs Griffith
October 22, 1991
Page 2

I look forward to your response as soon as possible. In the meantime, should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

EDWARDS, WHITE & SOOY

Karen A Holmes

Karen Anderson Holmes

KAH:kam

cc: William Rees, Esq.
Frank Lane, Esq.
Richard Shaw, Esq.
Stan Julianio/ESIS
Ron Brundage/BSA, San Diego Council

CADMAN\KAB.DIR\0000446.W7/D1

EDWARDS, WHITE & SOOY

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ATTORNEYS AT LAW

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TELEPHONE (619) 692-2020

STATE BAR NO. 68011

ATTORNEYS FOR Defendants SAN DIEGO COUNTY COUNCIL, BOY SCOUTS OF AMERICA, and BOY SCOUTS OF AMERICA, NATIONAL COUNCIL

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

[REDACTED], by and through his
Guardian ad Litem, [REDACTED]

Plaintiffs,

v.

BOY SCOUTS OF AMERICA, INC., SAN
DIEGO AREA COUNCIL, et al.,

Defendants.

) Case No. 626907

) RESPONSE TO INTERROGATORIE

PROPOUNDING PARTY: PLAINTIFF, [REDACTED]

RESPONDING PARTY: DEFENDANT, BOY SCOUTS OF AMERICA, NATIONAL COUNCIL

SET NO.: TWO (2)

PRELIMINARY STATEMENT

These responses are made solely for the purpose of, and in connection with, this action. Each response is given subject to all appropriate objections, including, but not limited to, objections concerning competency, relevancy, materiality, propriety and admissibility, which would require the exclusion

1 of any statement contained herein if the interrogatory was
2 asked of, or any statement contained herein was made by, a
3 witness present and testifying in court. All such objections
4 and grounds therefor are reserved and may be interposed at the
5 time of trial.

6 The party on whose behalf the responses are given has not
7 yet completed its investigation of the facts relating to this
8 action, and has not yet completed its discovery in this action
9 and has not yet completed its preparation for trial.

10 Consequently, the following responses are given without
11 prejudice to the responding party's right to produce, at the
12 time of trial, subsequently discovered evidence relating to the
13 proof of facts subsequently discovered to be material.

14 Except for facts expressly admitted herein, no admission
15 of any nature whatsoever is to be implied or inferred. The
16 fact that an interrogatory herein has been responded to should
17 not be taken as an admission, or a confession of the existence,
18 of any fact set forth or assumed by such interrogatory or that
19 such response constitutes evidence of any fact thus set forth
20 or assumed. All responses must be construed as given on the
21 basis of present recollection.

22 RESPONSES TO INTERROGATORIES

23 17.1.1 These answering defendants have in their
24 possession and have provided to counsel for [REDACTED]
25 rechartering agreements and documentation. These documents do
26 evidence a chartering or sponsoring agreement between the First
27 Methodist Church of El Cajon and the San Diego County Council,
28 Boy Scouts of America. There are documents that pertain to the

EDW. J. WHITE & SOOY

ATTORNEYS AT LAW

1001 W. PLEASANT

SAN DIEGO, CALIFORNIA 92108

TELEPHONE (619) 591-1100

1 period January 1, 1988, up to and including November 20, 1989.
2 These answering defendants are informed and believe that the
3 rechartering agreements serve as an indication and evidence of
4 an original chartering and a written agreement related thereto.
5 Unfortunately, the original chartering agreement is not
6 presently available. These answering defendants are informed
7 and believe that the original thereof would be in the hands of
8 the First Methodist Church of El Cajon. There has been a
9 change in leadership and administration of the First Methodist
10 Church of El Cajon and, these answering defendants are informed
11 that, presently, the original chartering or sponsoring
12 agreement cannot, and has not, been found.

13 It should be noted parenthetically that there are
14 signatures on the rechartering or responsoring documentation.
15 The former pastor of the First Methodist Church of El Cajon is
16 noted to have executed one or more such documents. Likewise,
17 Steve Smith, the church's liaison with San Diego Council, is
18 noted to have executed one or more documents.

19 17.1.2 The information plaintiff requests these answering
20 defendants to admit in request for admission No. 2 is simply
21 not true and plaintiff knows it. Please see answer to
22 interrogatory 17.1.1 above.

23 17.1.3 The information plaintiff requests these answering
24 defendants to admit in request for admission No. 3 is simply
25 not true and plaintiff knows it. Please see answer to
26 interrogatory 17.1.1 above.

27 17.1.4 Again, the information requested to be admitted in
28 request for admission No. 4 is simply not true. Please see

EDWARDS, WHITE & SOOY

ATTORNEYS AT LAW

1010 Broadway, Suite 1400
San Diego, California 92108

Telephone (619) 592-2000

1 answer to interrogatory 17.1.1 above. Furthermore, H. William
2 Collins, plaintiff's attorney, agent and representative,
3 attended the deposition of Steve Smith on October 10, 1991. As
4 such, plaintiff has been advised that Mr. Smith has long served
5 as the liaison between the First Methodist Church of El Cajon
6 and the San Diego Area Council of Boy Scouts of America.
7 Mr. Smith stated unequivocally that the First Methodist Church
8 of El Cajon was the chartered or sponsoring organization for
9 Pack 301 and otherwise.

10 17.1.5 Preliminarily, it should again be noted that these
11 responding defendants object to the use of the term "screening
12 functions" as being vague, ambiguous, unintelligible and
13 overbroad. Notwithstanding that objection, and in the spirit
14 of discovery, these responding defendants answer as follows:

15 As described in answer to interrogatory 17.1.1, there are
16 numerous documents evidencing rechartering of the First
17 Methodist Church of El Cajon. These answering defendants are
18 informed and believe that the rechartering effort would not
19 have occurred had there not been an initial chartering
20 agreement entered into. As mentioned, that initial chartering
21 or sponsoring agreement is unavailable. Notwithstanding that
22 fact, and as plaintiff through his agents and representatives
23 is well aware from the depositions of Tony Castro, Colleen
24 Thornton and Steve Smith, representatives of the First
25 Methodist Church of El Cajon were aware of the volunteer
26 application process. In fact, Ms. Thornton has testified that
27 she made inquiry into Mr. Frazier's background by checking with
28 one or more of the references set forth on his application. To

1 the extent that constitutes a "screening function," then said
2 screening function was performed by First Methodist Church of
3 El Cajon representatives. The point is that checks were made
4 on Frazier. Those checks were made by chartered organization
5 representatives. This was in accordance with the chartered
6 organization's representatives' understanding of the
7 application process.

8 17.1.6 These answering defendants again object to the use
9 of the term "screen" in that it is vague, ambiguous,
10 unintelligible and overbroad. Likewise, these answering
11 defendants object to the use of the term "formal
12 responsibility" in that it is likewise vague, ambiguous,
13 unintelligible and overbroad. Notwithstanding those
14 objections, and in the spirit of discovery, these answering
15 defendants respond as follows:

16 The First Methodist Church of El Cajon was the chartered
17 or sponsoring organization for Pack 301. As such, it did have
18 responsibilities in the volunteer application process. Colleen
19 Thornton has testified that she checked with one or more of the
20 references on Jerry Frazier's application in discharge of that
21 responsibility. It is to be remembered that the chartered or
22 sponsoring organization selects scout leaders from among
23 friends, neighbors and parishioners. The chartered
24 organization representatives must, therefore, exercise that
25 discretion they feel appropriate in the application process and
26 the acceptance of scout leaders.

27 Based on the foregoing and other information, therefore,
28 the information requested to be admitted in request for

1 admission No. 6 is incorrect and must be and has been denied.

2 17.1.7 These answering defendants again object to the use
3 of the terms "screen volunteer scout leaders" and "screen for
4 pedophiles" inasmuch as such terms are vague, ambiguous,
5 unintelligible and overbroad. Notwithstanding the foregoing
6 objection, and in the spirit of discovery, these responding
7 defendants answer as follows:

8 Please see answer to interrogatory 17.1.6, above. It is
9 again necessary to emphasize that the chartered organization
10 selects its own leaders from among friends, neighbors and
11 parishioners. Thus, the chartered organization, through its
12 representatives, can and must exercise appropriate discretion
13 in the scout leader application and selection process. The
14 Local Council has materials which are available and it
15 distributes which can assist and guide the chartered
16 organization representatives in the acquisition of volunteer
17 scout leaders from among their families, friends and
18 parishioners.

19 17.1.8 Again, these answering defendants object to the
20 use of the term "screen out pedophiles" as being vague,
21 ambiguous, unintelligible and overbroad. Notwithstanding the
22 foregoing objection, and in the spirit of discovery, these
23 responding defendants answer as follows:

24 The information requested to be admitted in request for
25 admission No. 8 is untrue. The Local Council has
26 communications with the National Council. When deemed
27 appropriate, a request to the National Council could be made
28 for a check of the inelligible volunteer files.

17.1.9 The information requested in request for admission No. 9 is untrue. Jerry Frazier was acting as a volunteer scout leader in association with Pack 301, an organization sponsored by the First Methodist Church of El Cajon.

17.1.10 The information requested in request for admission No. 10 is untrue. Again, Jerry Frazier was a volunteer scout leader in association with Pack 301, an organization sponsored by the First Methodist Church of El Cajon.

17.1.11 As mentioned in response to request for admission No. 11, these answering defendants lack sufficient information upon which to either admit or deny that request for admission and, therefore, deny said request. These answering defendants simply do not know whether Frazier attended the Youth Protection Program or not. The information obtained through the discovery process, i.e., depositions, is equivocal on that subject. Again, we do not know if he attended or not.

17.1.12 Not applicable.

17.1.13 As mentioned in response to request for admission No. 13, these answering defendants lack sufficient information upon which to either admit or deny that request for admission and, therefore, deny said request for admission. Sufficient information upon which a statement in an application by Jerry Frazier (prior to April, 1989) either was or was not made simply does not exist. It is possible that such an application was made and was purged. However, again, in the spirit of discovery, that information which is available does not reveal that Frazier made application to be a volunteer scout leader

EDWARDS, WHITE & SOOY
ATTORNEYS AT LAW

1000 BROADWAY, SUITE 2000
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 774-2000

1 through any chartered or sponsoring organization, or its agents
2 and representatives, prior to April, 1989.

3 17.1.14 The information obtained in request for admission
4 No. 14 is simply untrue. The alleged molestation of [REDACTED]
5 did not occur during a scouting activity or scouting function.
6 These responding defendants are informed and believe that when
7 [REDACTED] was in attendance at a scouting activity or scouting
8 function, the "two deep leadership" rule was being followed.

9 17.1.15 The information contained in request for
10 admission No. 15 is untrue. The Council has and continues to
11 encourage all chartered or sponsoring organizations to follow
12 the policy or procedure of "two deep leadership." It is to be
13 remembered that the Boy Scouts of America offers a program to
14 enhance the development of boys and young men through scouting
15 ideals and activities. The chartered or sponsoring
16 organization, and its authorized representatives, select and
17 approve of applicant volunteer scout leaders who come from
18 their community. Furthermore, the chartered or sponsoring
19 organization, through its authorized representatives, has
20 direct control and supervision of the scouts during their
21 participation in programs, outings and the like. During such
22 programs and outings, "two deep leadership" is encouraged.

23 17.1.16 The concept or policy of "two deep leadership" is
24 communicated to the chartered or sponsoring organization
25 through its authorized representatives and the leaders selected
26 by and approved of by said organization. The chartered
27 organization has discretion to advise whomever they deem
28 appropriate of the concept of "two deep leadership." As such,

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1 neither the National nor San Diego Council specifically direct
2 information regarding the concept of "two deep leadership" to
3 youth participating in various scouting programs.

4 17.1.17 Not applicable.

5 17.1.18 Request for admission No. 18, directed to the San
6 Diego County Council, contains information which is untrue and,
7 therefore, said request for admission was denied. It is to be
8 remembered that the Boy Scouts of America was chartered in
9 1916. Since that time, massive communications, both written
10 and oral, have been received by the National and Local
11 Councils, nationwide. It is, therefore, impossible to relate
12 with any specificity or accuracy whether or not on three
13 occasions prior to November 20, 1989, there were any
14 communications regarding "developing screening techniques."

15 It should be mentioned that Gerald Able contacted the Boy
16 Scouts of America, National Council, in 1991. He was referred
17 to David Parks who then referred Able to William Reese, Esq.
18 The purported reason for Able's contact was to discuss and/or
19 offer alleged pedophile identification techniques.
20 Furthermore, Able purportedly was offering the techniques to
21 prevent those who would abuse children from serving as
22 volunteer scout leaders. Because of the generally adversarial
23 nature of Able's past comments and testimony, William Reese,
24 Esq., respectfully declined Able's offer.

25 17.1.19 Despite the attempted definition of the term
26 "documented", these responding defendants are uncertain as to
27 precisely what would or might constitute documentation. As
28 indicated in the response to request for admission No. 19,

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1 these responding defendants have information and documentation
2 (in the form of paper or otherwise retrieveable and reviewable
3 information) to the effect that scouters have been accused of
4 sexual molestation of children. The precise number has not
5 been calculated and to do so would be burdensome and
6 oppressive.

7 17.1.20 Despite the attempted definition of the term
8 "documented", these responding defendants are uncertain as to
9 precisely what would or might constitute documentation. As
10 indicated in the response to request for admission No. 19,
11 these responding defendants have information and documentation
12 (in the form of paper or otherwise retrieveable and reviewable
13 information) to the effect that scouters have been accused of
14 sexual molestation of children. The precise number has not
15 been calculated and to do so would be burdensome and
16 oppressive.

17 17.1.21 The chartered or sponsoring organization selects
18 and approves of volunteer scout leaders from among parents,
19 friends and parishioners in the local community. As such, the
20 chartered or sponsoring organization, and its authorized
21 representatives, may do as they deem appropriate in analyzing
22 the background or qualification of volunteers. In the instant
23 case, Colleen Thornton did make inquiries regarding the
24 background of Mr. Frazier through the references he placed on
25 his application. Beyond that, the Boy Scouts of America, San
26 Diego County and National Councils have no knowledge of
27 additional inquiries having been made. These answering
28 defendants are informed, however, that any "background

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1 investigation" would not have revealed any criminal record on
2 the part of Mr. Frazier because these answering defendants are
3 informed and believe that no such record existed.

4 17.1.22 Please see answer to interrogatory No. 21.

5 17.1.23 These answering defendants do not specifically
6 know whether Jerry Frazier misrepresented his marital status
7 prior to November 20, 1989. There has been evidence in
8 deposition testimony to the effect that Mr. Frazier did not
9 correctly state his marital status to one or more individuals
10 who were representatives of the chartered or sponsoring
11 organization, the First Methodist Church of El Cajon. There is
12 no information presently available to the effect that
13 Mr. Frazier misrepresented his marital status to any
14 representative of Boy Scouts of America, Inc., San Diego County
15 or National Council.

16 17.1.24 Not applicable.

17 17.1.25 In the offering and delivery of scout programs to
18 chartered or sponsoring organizations, the Local and National
19 Councils provide oral consultations, documents and other
20 materials by which the chartered or sponsoring organizations'
21 selection of volunteer scout leaders can be enhanced.
22 Fundamentally, the parents of youth who will participate in the
23 scouting programs together with the chartered or sponsoring
24 organization and its representatives, are the "first line of
25 defense" against the acceptance of an unsuitable applicant
26 scout volunteer into the scouting program. Again, the program
27 materials and information delivered by the National and Local
28 Councils attempt to assist in that effort. To suggest,

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1 however, that the Boy Scouts of America, San Diego County or
2 National Councils, or the chartered or sponsoring organization
3 for that matter, could have prevented the criminal, sexual
4 assault of [REDACTED] following the conclusion of a scouting
5 activity is inappropriate. Any reasonable person will agree
6 that everyone involved in scouting, from parents to paid scout
7 executives, should make efforts to insure that youth
8 participating in scout programs are protected to the extent
9 practicable. However, to suggest that anyone participating in
10 scouting could have prevented the assault of [REDACTED] under the
11 circumstances of this case is just plain wrong.

12 17.1.26 The information requested in request for
13 admission No. 26 is untrue. Please see answer to interrogatory
14 17.1.25.

15 DATE: October 23, 1991 EDWARDS, WHITE & SOOY

16
17 By: _____
18 Daniel M. White
19 Attorneys for Defendants SAN
20 DIEGO COUNTY COUNCIL, BOY SCOUTS
21 OF AMERICA, and BOY SCOUTS OF
22 AMERICA, NATIONAL COUNCIL
23
24
25
26
27
28

VERIFICATION

I, _____, declare under penalty of perjury that the following statements are true and correct:

The Boy Scouts of America, National Council is one of the defendants in the foregoing action. I am the _____ for the Boys Scouts of America, National Council. I have read the foregoing Answers to Interrogatories (Set No. 2) and know the contents thereof. The matters stated therein are true of my own knowledge except as to matters stated therein on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Irving, Texas, this ____ day of _____, 1991.

Edw. J. White & Sooy
ATTORNEYS AT LAW
SUI DBO, CAUSA 92108
TELEPHONE (972) 447-1100

August 24, 1990

Mr. Ronald K. Brundage
Scout Executive
San Diego County Council, No. 49

PERSONAL AND CONFIDENTIAL

SUBJECT: JERRY B. FRAZIER

Dear Ron:

Thank you for the detailed information sent concerning the above Scouter. This case has been reviewed with our attorney and is now on our permanent Ineligible Volunteer File.

Sincerely,

Paul Ernst, Director
Registration Service

eko

cc: Western Region

RECEIVED
AUG 24 1990
FRIN ORILEY

CONF005911

Boy Scouts Of America San Diego County Council

RONALD J. CARLSON
Chairman of the Board

M. W. RUSTY COOMBS
Council Commissioner

RONALD K. BRUNDAGE
President

August 9, 1990

Mr. Paul Ernst, SUM 108
Registration Dept.
National Office, BSA
Post Office Box 152079
Irving, TX 75015-2079

Dear Paul:

Please find enclosed information regarding Rodney Stark, Merlin Mundy and Jerry Frazier.

As you will notice from the news article regarding Mr. Stark, sentencing will take place on August 31st. I do not know whether there will be an appeal. You will recall that we forwarded to you the volunteer Record Sheet with supporting documents regarding this case.

With regard to Mr. Mundy, enclosed is information that appeared in the newspaper as well as a copy of a letter from Mr. Mundy, himself. Mr. Mundy is registered in the city of El Cajon as a register sex offender. It is my feeling that we should file the necessary paper work on this individual as well.,

Also, please note the information regarding Mr. Frazier. He has been convicted and sentenced. We should file the paper work on him also and I have enclosed the information we have available.

Sincerely,

*Added to file
deleted from file
8/15/90*

Ron Brundage

Ron Brundage
Scout Executive

mbr

Enclosures

cc: David Park

P.O. BOX 33366/1207 UPAS STREET/SAN DIEGO, CALIFORNIA 92103
(619) 298-6121

A Member Agency of the United Way of San Diego

CONF005912

Scout leader pleads guilty to molestation

By Della Elliott
Californian staff writer

SAN DIEGO — An El Cajon boy scout leader and Little League coach pleaded guilty Friday to charges that could net him nearly 20 years in state prison.

Jerry Blane Frazier, 21, of 1188 S. Orange Ave., pleaded guilty to one count of forcible child molestation and also admitted to allegations of kidnapping and the use of a weapon — an electric cord.

Frazier, a distribution manager for the Wall Street Journal, entered his plea before the start of a scheduled preliminary hearing.

Municipal Court Judge H. Ronald Domnitz ordered Frazier to be held without bail and set a April 5 sentencing date.

Frazier was originally charged with six counts of child molestation and one count each of child abuse and kidnapping for purpose of child molest.

Frazier was arrested Nov. 21 after turning himself in to police.

Deputy District Attorney Harry Elias said in November that Frazier took an 8-year-old boy to his home following a Cub Scout meeting on the pretext of going to feed the defendant's dog.

Police said the boy told his parents that Frazier came up behind him while he was seated on a couch and wrapped an electrical cord around his neck, causing him to nearly lose consciousness. Police said the boy reported he was then molested.

Frazier was originally charged with six counts of child molestation and one count each of child abuse and kidnapping for purpose of child molest.

Elias said that after police confronted Frazier with allegations brought by the boy, the defendant fled to Riverside County with a 13-year-old boy.

The prosecutor said after the proceedings Friday that Frazier also molested the 13-year-old and three other boys who were either also members of Frazier's Cub Scout troop or acquaintances of the defendant's family.

As part of the plea bargain struck between Elias and defense attorney Michael Berg, the bulk of the charges against Frazier were dismissed Friday in exchange for his guilty plea. The agreement exposes Frazier to a maximum 19 years in state prison. The judge informed Frazier that the minimum sentence he faces if 14 years in state prison.

"We made the (plea bargain) offer because there is a mandatory prison sentence and the kids were saved from having to testify," Elias said. (dme)